

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

THE BOEING COMPANY,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

No. 15-72894

NLRB No. 19-CA-089374

National Labor Relations Board

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

THE BOEING COMPANY,

Respondent.

No. 15-73101

NLRB No. 19-CA-089374

National Labor Relations Board

**DECLARATION OF CHARLES
N. EBERHARDT IN SUPPORT
OF MOTION FOR EXTENSION
OF TIME FOR FILING
PETITIONER'S OPENING
BRIEF**

I, Charles N. Eberhardt, hereby declare and state as follows:

1. I am lead counsel for Petitioner The Boeing Company in this consolidated petition for review (No. 15-72894) and cross-application for enforcement (No. 15-73101).

2. Under the Court's order consolidating the petition for review and cross-application for enforcement, Petitioner's opening brief is due on March 4, 2016. Dkt. 13.

3. Petitioner requests an extension of time of approximately 10 weeks to file its opening brief until May 16, 2016.

4. This extension of time is necessary because the parties have heretofore been engaged in mediation discussions through the first week of February 2016, and the considerable press of other urgent and time-sensitive matters that I have pending, including three class action lawsuits:

- I am lead counsel for defendant in *Mann v. The Boeing Company*, Case No. 2:15-cv-01507 (United States District Court for the Western District of Washington), and am primarily responsible for preparing defendant's opposition to plaintiff's motion for class certification in that case, to be filed in April 2016.
- I am managing the class action settlement in *Witschel v. IMCO Construction, Inc.*, Case No. 13-2-00975-0 (Superior

Court for Skagit County, Washington), scheduled to be finalized in April 2016.

- I have substantial responsibility preparing defendant's opposition to class certification in *Steeb vs. Overlake Hospital Medical Center*, Case No. 15-2-16399-0 SEA (Superior Court for King County, Washington), which is scheduled for trial in mid-2016.
- I am defending an unfair labor practice hearing before the Washington Public Relations Commission in March 2016.

In addition, I maintain a busy labor and employment law counseling practice for multiple clients while working a reduced schedule to support a close family member who recently commenced chemotherapy.

5. Petitioner has exercised diligence in preparing its opening brief and Petitioner's opening brief will be filed within the time requested.

6. Respondent National Labor Relations Board does not oppose this request for an extension of time.

7. Petitioner understands that the court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of February in Bellevue, Washington.

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